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Promoting and protecting the health of the public and the environment

CONSTRUCTION WITHIN COASTAL ZONE MS4 AREAS

Review and Approval Process for NPDES Coverage – Updated 09/22/2008

The purpose of this document is to provide a step-by-step approach for granting NPDES Coverage for Large and Small Construction Activities in the regulated Municipal Separate Storm Sewer System (MS4) areas of the eight coastal counties. The goal of the regulated small MS4 programs is to establish State partnerships with municipalities to implement stormwater regulations. **South Carolina Department of Health and Environmental Control Office of Ocean and Coastal Resource Management (DHEC-OCRM) will perform technical reviews on all incoming projects received through August 31, 2007. Beginning September 1, 2007 DHEC-OCRM will perform a Coastal Zone Consistency (CZC) review and only random technical reviews on projects located in MS4 areas having operational coverage under SCR300000. The MS4 Operator will conduct the technical review of projects. DHEC-OCRM will continue to perform all technical reviews in MS4 areas where the MS4 operational coverage is not yet effective. As of September 1, 2008 Dorchester County is the only MS4 Operator who is not yet conducting plan reviews. Dorchester County will begin conducting plan review December 31, 2008. Submittal requirements specific to projects located in MS4 areas are provided below.** Note: This document is somewhat dynamic in nature in this infancy stage of transition. The review and approval process will be updated to reflect necessary changes as we work through this transition. Please be advised to check the DHEC-OCRM Stormwater Permitting website for updates.

Review and Approval Process

1. Project Owner/Operator must determine if the proposed project is located in an MS4 area. Any questions concerning MS4 boundaries should be directed to the MS4 Operator. MS4 Operator contact information will be posted at the following website link:

<http://www.scdhec.gov/environment/water/swnsms4.htm>

2. If the proposed project discharges into an MS4 system, the Project Owner/Operator submits an application package to DHEC-OCRM for CZC screening. CZC screening consists of a review to determine if any Coastal Zone Management policies apply. The policies typically cover wetlands, cultural resources, shellfish beds and endangered species. Construction drawings must be complete prior to submitting the project to DHEC-OCRM for review so all potential impacts can be evaluated on the project site.

The Project Owner/Operator submits to the MS4 Operator simultaneously for local approval of the Stormwater Pollution Prevention Plan (SWPPP) for the proposed site.

Submittal requirements for DHEC-OCRM CZC review include the following:

- a. Copy of Notice of Intent (NOI) application form or DHEC-approved equivalent. MS4 NOIs must be approved by DHEC-Bureau of Water (DHEC-BoW) prior to being used by Project Owner/Operators.
- b. One (1) copy of a site plan and a utility plan (if applicable) signed and sealed by an appropriate registered professional. The site plan should include:
 1. Site layout for project
 2. Freshwater and saltwater wetland areas
 3. Location map with site outlined
 4. North arrow and scale
 5. Property lines and adjacent landowners' names
 6. Legend
 7. Registered engineer's signed and dated seal
 8. Engineering firm's Certificate of Authorization seal
 9. Limits of disturbed area
 10. Locations of off-site material, waste, borrow or construction equipment storage areas (some off-site disturbed areas may require a separate application for NPDES coverage and Coastal Zone Consistency Certification)
 11. Archeological/historical sites named to, eligible for or potentially eligible for the National Register of Historic Places (where applicable)
 12. Threatened/endangered species (where applicable)

Freshwater wetland areas and critical areas (saltwater wetlands) must be delineated on the site plan and utility plan. **Proposed pond/ditch invert data and existing wetland invert data may be requested for areas where ponds/ditches are in close vicinity (within 20-feet of low permeability soils, within 200-feet in moderate/high permeability soils) to freshwater wetland areas. Contour data is not necessary for the initial submittal.**

- c. Location map and USGS quad map showing location of project site
- d. Project narrative
- e. Freshwater wetlands must be identified and delineated on the construction drawings. Freshwater wetlands should be specified as to their jurisdiction, whether Federally jurisdictional or non-jurisdictional.

If Federally non-jurisdictional freshwater wetlands are being impacted, a wetland impact statement as shown below must be completed along with an 8.5 x 11 inch map indicating the wetland acreages, amount and type of impacts. This information is necessary for public notice.

"This project is proposed to impact ____ acres of Federally non-jurisdictional freshwater wetlands. These proposed impacts require approval under the SCCZM program. This plan will (fill, excavate, otherwise impact) (give individual wetland size by acres) for a total impact of (total acreage)."

- f. DHEC-OCRM wetland certification approval for proposed wetland impacts if a ACOE permit is required for the project
- g. Saltwater wetlands/critical area (ca) must be delineated and identified on construction drawings. A valid, DHEC-OCRM approved saltwater/ca wetland line is necessary if wetland impacts are proposed as part of the project. Note: A copy of a line delineation approval request or ca permit application as submitted to OCRM Wetlands Section can be provided in lieu of a plat depicting an approved, valid line for public notice. The approved plat is necessary for final project approval.
- h. Critical area permit approval for critical area impacts
- i. One extra plan sheet showing impacts to navigable water and a description of the activity included if S.C. Navigable Waters (SCNW) crossing if a separate SCNW permit has not been obtained for all activities
- j. Digital boundary submittal
- k. Water/wastewater permit certification request forms
Note: See #24 OCRM Requirements of the DHEC "Stormwater Management and Sediment and Erosion Control Plan Review Checklist for Design Professionals" for more detailed explanation of wetland and digital boundary submittal requirements.

Submittal packages are required for the following project types:

- a. Full Submittal Package - Projects or Larger Common Plans (LCPs) with a disturbed area of 1 acre or greater, projects or LCPs within ½ mile of a receiving water body with a disturbed area of greater than 0.5 acres, and projects or LCPs with a disturbed area between 0 and 0.5 acres AND located within 0.5 miles of a receiving water body AND meets condition **a**, **d** or **e** provided on page 2 of the SC Stormwater Management and Sediment Control Handbook (August 2003).

- b. Simplified Submittal Package - Projects disturbing 0.5 acres and less within ½ mile of a receiving water body. See memo “Small Project Requirements in Coastal Counties”.
3. DHEC-OCRM reviews submittal package for administrative completeness. Once package is deemed complete, the project is placed on a 10-calendar day public notice that runs every Friday except the week of Thanksgiving and Christmas holidays.
4. DHEC-OCRM accepts comments and reviews the proposed project for consistency with the Coastal Zone Management Plan. DHEC-OCRM coordinates with the Project Owner/Operator and SWPPP Preparer on any outstanding issues. The respective MS4 Operator will be copied on DHEC-OCRM correspondence. DHEC-OCRM CZC screening comments will provide notification to the MS4 Operator of any review requirements related to the Coastal Zone Management Program Refinements for the Stormwater Management Regulations. DHEC-OCRM notifies MS4 Operator when Coastal Zone Consistency screening is complete. The site layout of the final plans must include the limits of disturbed area and location of wetland impacts (type and amount in acres).

If DHEC-OCRM elects to perform a full technical review of the proposed project, the Project Owner/Operator will typically be notified during the CZC screening process. However, DHEC-OCRM still reserves the right to request a full technical review of a proposed project at the time MS4 approval is granted if necessary as allowed for in the NPDES Phase II Construction General Permit (2006 NPDES CGP), section 2.1.A.

The MS4 Operator will simultaneously review projects for compliance with the minimum standards and criteria set forth in the 2006 NPDES CGP or an equivalent, qualifying local program approved by DHEC-BoW. Standards and criteria are summarized in DHEC’s “Stormwater Management and Sediment and Erosion Control Plan Review Checklist for Design Professionals”. Additional local ordinances may apply as well by the respective MS4 program.

MS4 Operator issues comments on the proposed project to the SWPPP Preparer and ensures minimum standards and criteria are being met for the proposed project. It is recommended to copy the Project Owner/Operator on all correspondence. Once review comments are satisfied, MS4 Operator requests four (4) sets of plans (MS4 Operator, Project Owner/Operator, consultant and contractor). **If modifications to the site layout are made as a result of MS4 Operator comments, the revised site layout must be submitted to DHEC-OCRM for review.**

5. MS4 approval letter is issued to the Project Owner/Operator by MS4 Operator. MS4 approval letter must include verbiage for local approval and a copy of the approved

Notice of Intent. The final approved construction drawings from the MS4 Operator must include an approval stamp with authorizing signature, approval date and MS4 permit number.

6. MS4 Operator sends the MS4 approval letter and approved NOI to DHEC-OCRM. The \$125 NPDES fee should also be submitted to DHEC-OCRM at this time. DHEC-OCRM performs final CZC review and issues CZC certification. **Construction must not occur until NPDES coverage and the Coastal Zone Consistency Certification are issued for the project by DHEC-OCRM.**

Note: The MS4 should be contacted regarding how the \$125 NPDES fee will be handled, and to determine whether DHEC-OCRM will receive this fee from the applicant or MS4 directly.

7. Within seven (7) business days of receipt of the MS4 approval letter, approved NOI, and the \$125 NPDES fee, and issuance of the Coastal Zone Consistency Certification DHEC-OCRM will issue a letter authorizing coverage under the 2006 NPDES CGP, denying coverage, requesting additional information or advising Project Owner/Operator that DHEC-OCRM is deciding to review the SWPPP for the proposed project¹. Typically DHEC-OCRM will notify the Project Owner/Operator during the CZC screening process if staff intends to perform a full technical review of the project. However, DHEC-OCRM still reserves the right to request a full technical review of a proposed project at the time MS4 approval is granted if necessary as allowed for in the NPDES Phase II Construction General Permit (2006 NPDES CGP), section 2.1.A.
8. If DHEC-OCRM elects to review the project, staff will issue comments to the SWPPP Preparer and Project Owner/Operator to ensure that the requirements of the minimum standards and criteria set forth in the 2006 NPDES CGP are being met. The MS4 Operator will be copied on any additional comment letters after local approval is granted. If design calculations and construction drawings are modified as a result of DHEC-OCRM review, the Project Owner/Operator must submit a final revised copy of the design calculations to the MS4 Operator and DHEC-OCRM along with five (5) new sets of construction drawings for approval. The five (5) sets of construction drawings should first be sent to the MS4 for signing and then distributed to the Project Owner/Operator, SWPPP Preparer, DHEC-OCRM and contractor. MS4 Operator must issue revised approval letter and new approved construction drawings to reflect the changes required as a result of DHEC-OCRM's review.

Projects Containing Multiple MS4 Areas

If a project contains multiple MS4 areas then the following three scenarios are available:

¹ "South Carolina NPDES General Permit for Storm Water Discharges from Large and Small Construction Activities" Section 2.1.A

- 1) All MS4 Operators defer to DHEC-OCRM for the technical via written notification provided to DHEC-OCRM.
- 2) All MS4 Operators elect to perform their own technical review of their respective area.
- 3) Some MS4 Operators elect to perform a technical review and some defer to DHEC-OCRM for the technical review.

The construction drawings need to clearly indicate which entity is performing the technical review for each respective area. The review fees will be divided up based upon the area(s) each entity is reviewing, so this will need to be specified in the cover letter. Each reviewing entity will need to sign off on the plans for their respective portion such that the final approved plan sets contain all approvals.

Example scenario: One project contains two MS4 areas and only one MS4 elects to review their respective area, and the other defers to DHEC-OCRM. Once the plans are ready to approve for both entities, the MS4 who elected to review their portion requests 5 sets (DHEC, MS4, Owner, Engineer, Contractor) of plans and signs them. Then DHEC-OCRM signs the plans for our portion and copies are distributed.

Modifications to Construction Permit Coverage

The review of permit modifications will be performed by the MS4 Operator. DHEC-OCRM will only need to review modifications that involve increases in the amount of disturbed area or additional wetland impacts. DHEC-OCRM must review these modifications for coastal zone consistency.

MS4 Approvals Received by DHEC-OCRM Prior to DHEC-OCRM CZC Review

If DHEC-OCRM receives the MS4 Operator approval prior to DHEC-OCRM finalizing a CZC review, an additional MS4 Operator approval may still be necessary. If CZC issues exist after the CZC review, then the construction drawings for the project need to be revised to address the CZC issues. A new approval letter needs to be received by DHEC-OCRM from the MS4 Operator after the revised construction drawings, which address outstanding CZC issues, are reviewed and approved by the MS4 Operator.